



February 6, 2009

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## SENATE BILL No. 90

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DIGEST OF SB 90 (Updated February 3, 2009 5:55 pm - DI 104)

**Citations Affected:** IC 16-34.

**Synopsis:** Abortion matters. Provides that for consent to an abortion to be voluntary and informed, a physician must inform the pregnant woman that there is differing medical evidence concerning when a fetus feels pain. Provides that notice must be given to a pregnant woman in writing at least 18 hours before an abortion: (1) concerning the availability of adoptions and that certain adoption-related expenses may be borne by the adoptive parents; (2) concerning physical risks to the woman in having an abortion; and (3) stating that an embryo formed by the fertilization of a human ovum by a human sperm immediately begins to divide and grow as human physical life.

**Effective:** July 1, 2009.

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**Miller, Leising, Mrvan, Buck**

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January 7, 2009, read first time and referred to Committee on Health and Provider Services.  
February 5, 2009, reported favorably — Do Pass.

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SB 90—LS 6193/DI 104+



February 6, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 90

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.146-2008,  
2       SECTION 444, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2009]: Sec. 1.1. (a) An abortion shall not be  
4       performed except with the voluntary and informed consent of the  
5       pregnant woman upon whom the abortion is to be performed. Except  
6       in the case of a medical emergency, consent to an abortion is voluntary  
7       and informed only if the following conditions are met:

8               (1) At least eighteen (18) hours before the abortion and in the  
9               presence of the pregnant woman, the physician who is to perform  
10              the abortion, the referring physician or a physician assistant (as  
11              defined in IC 25-27.5-2-10), an advanced practice nurse (as  
12              defined in IC 25-23-1-1(b)), or a midwife (as defined in  
13              IC 34-18-2-19) to whom the responsibility has been delegated by  
14              the physician who is to perform the abortion or the referring  
15              physician has orally informed the pregnant woman of the  
16              following:

17                   (A) The name of the physician performing the abortion.

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(B) The nature of the proposed procedure or treatment.  
 (C) The risks of and alternatives to the procedure or treatment.  
 (D) The probable gestational age of the fetus, including an offer to provide:

- (i) a picture or drawing of a fetus;
- (ii) the dimensions of a fetus; and
- (iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

**(G) That there is differing medical evidence concerning when a fetus feels pain.**

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be orally informed of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the local office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

~~(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.~~

(3) At least eighteen (18) hours before the abortion, the pregnant woman will be informed in writing of the following:

**(A) That adoption alternatives are available, that there are many couples who are willing and waiting to adopt a child, and that, under certain circumstances, adoptive parents may legally pay costs associated with prenatal care, childbirth, and neonatal care.**

**(B) That there are physical risks to the woman in having an abortion, both during the abortion procedure and after.**

**(C) That an embryo formed by the fertilization of a human ovum by a human sperm immediately begins to divide and grow as human physical life.**

~~(3)~~ (4) The pregnant woman certifies in writing, before the abortion is performed, that the information required by

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- 1 subdivisions (1) ~~and (2)~~ **through (3)** has been provided.  
2 (b) Before an abortion is performed, the pregnant woman may, upon  
3 the pregnant woman's request, view the fetal ultrasound imaging and  
4 hear the auscultation of the fetal heart tone if the fetal heart tone is  
5 audible.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 90, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 90 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 5.

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